

AMENDED IN SENATE JUNE 9, 2010
AMENDED IN SENATE AUGUST 17, 2009
AMENDED IN SENATE JULY 14, 2009
AMENDED IN SENATE JUNE 29, 2009
AMENDED IN ASSEMBLY JUNE 1, 2009
AMENDED IN ASSEMBLY MAY 11, 2009
AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1253

**Introduced by Assembly ~~Members Fuller and Gilmore~~ Member
Harkey
(~~Coauthors: Assembly Members DeVore, Harkey, and Silva~~)**

February 27, 2009

~~An act relating to the Sacramento-San Joaquin Delta. An act to amend
Section 30106 of the Public Resources Code, relating to coastal
resources, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, as amended, ~~Fuller Harkey. Sacramento-San Joaquin Delta:
fish predation report. Coastal resources: California Coastal Act of
1976: development: fireworks displays.~~

*The California Coastal Act of 1976 provides for the planning and
regulation of development, under a coastal development permit process,
within the coastal zone. Existing law defines development for these
purposes.*

This bill would provide that “development” does not include a fireworks display conducted by a public entity.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The California Bay-Delta Authority Act establishes in the Natural Resources Agency the California Bay-Delta Authority. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta Programmatic Record of Decision, dated August 28, 2000, or as it may be amended.~~

~~The act requires the authority to establish a board of independent scientists to advise and make recommendations to the authority and the Bay-Delta Public Advisory Committee, as appropriate, on the science relative to implementation of all program elements, including the science program element.~~

~~This bill would require the CALFED science program staff to conduct an independent scientific review of existing literature and studies on fish predation in the Sacramento-San Joaquin Delta, and to prepare and submit to the Legislature and the Governor a prescribed report.~~

~~The bill would also authorize the Natural Resources Agency, or a successor agency, to enter into funding agreements with public agencies and nongovernmental organizations to pay for the cost of the independent scientific review.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30106 of the Public Resources Code is
2 amended to read:
3 30106. (a) “Development” means, on land, in or under water,
4 the placement or erection of any solid material or structure;
5 discharge or disposal of any dredged material or of any gaseous,
6 liquid, solid, or thermal waste; grading, removing, dredging,
7 mining, or extraction of any materials; change in the density or
8 intensity of use of land, including, but not limited to, subdivision
9 pursuant to the Subdivision Map Act (commencing with Section
10 66410 of the Government Code), and any other division of land,

1 including lot splits, except where the land division is brought about
2 in connection with the purchase of such land by a public agency
3 for public recreational use; change in the intensity of use of water,
4 or of access thereto; construction, reconstruction, demolition, or
5 alteration of the size of any structure, including any facility of any
6 private, public, or municipal utility; and the removal or harvesting
7 of major vegetation other than for agricultural purposes, kelp
8 harvesting, and timber operations which are in accordance with a
9 timber harvesting plan submitted pursuant to the provisions of the
10 Z'berg-Nejedly Forest Practice Act of 1973 (*Chapter 8*
11 *(commencing with Section 4511) of Part 2 of Division 4*).

12 **As**

13 (b) As used in this section, "structure" includes, but is not limited
14 to, any building, road, pipe, flume, conduit, siphon, aqueduct,
15 telephone line, and electrical power transmission and distribution
16 line.

17 (c) *Development does not include a fireworks display conducted*
18 *by a public entity.*

19 *SEC. 2. This act is an urgency statute necessary for the*
20 *immediate preservation of the public peace, health, or safety within*
21 *the meaning of Article IV of the Constitution and shall go into*
22 *immediate effect. The facts constituting the necessity are:*

23 *In order for Californians to celebrate the great independence*
24 *of this country and to continue with traditions that have been*
25 *centuries in the making, it is necessary that this act take effect*
26 *immediately.*

27 ~~SECTION 1. (a) The CALFED science program staff shall~~
28 ~~conduct an independent scientific review of existing literature and~~
29 ~~studies on fish predation in the Sacramento-San Joaquin Delta, for~~
30 ~~the purpose of evaluating whether additional studies are needed~~
31 ~~on the effects of predation on species listed as threatened or~~
32 ~~endangered under the state or federal endangered species acts, and~~
33 ~~to determine whether predator species are adversely affecting, at~~
34 ~~a population level, native salmonids or other indigenous pelagic~~
35 ~~species in the Delta, and, if so, to identify possible policy changes~~
36 ~~and management actions that could reduce the effects of predation.~~
37 ~~The review shall also include an evaluation of existing studies on~~
38 ~~fish salvage methods and other mitigation protocols at state and~~
39 ~~federal pumping facilities and recommendations for changes in~~

- 1 methodologies to improve survival, including the projected costs
2 of those changes.
- 3 ~~(b) After completing the review required by subdivision (a), the~~
4 ~~CALFED science program staff shall prepare and submit to the~~
5 ~~Legislature and the Governor a report that includes the following:~~
- 6 ~~(1) A recommendation on whether additional studies are needed.~~
7 ~~(2) If the CALFED science program staff recommends additional~~
8 ~~studies, recommendations for the design and scope of those studies~~
9 ~~and an estimate of the total costs for the studies.~~
- 10 ~~(3) A determination of whether predator species are adversely~~
11 ~~affecting indigenous pelagic species at a population level.~~
- 12 ~~(4) Possible policy changes and management actions to mitigate~~
13 ~~or reduce the effects of predation, if determined to have an adverse~~
14 ~~population level impact, and the projected costs of those actions.~~
- 15 ~~(e) The Natural Resources Agency, or its successor agency,~~
16 ~~may enter into funding agreements with public agencies and~~
17 ~~nongovernmental organizations to pay for the cost of the~~
18 ~~independent scientific review specified in subdivision (a).~~